IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3727

In re

Patent Application of

Achim Kraus, et al.

Application No. 10/561,709

Confirmation No. 8170

Filed: December 21, 2005

Examiner: Gary K Graham

"WINDSCREEN WIPER DEVICE, IN PARTICULAR FOR A MOTOR VEHICLE"

I, Dorothy A. Hauser, hereby certify that this correspondence is being electronically filed with the U.S. Patent and Trademark Office on the date of my signature.

Dorothy A Hauser
Signature

December 8, 2010
Date of Signature

DECLARATION UNDER 37 C.F.R. 1.132 OF ACHIM KRAUS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Achim Kraus, declare as follows:

1. I am an inventor of the subject matter claimed in the above-referenced patent application (the "Application").

2. In addition to being an inventor of the present Application, I am experienced in the design of windshield wiper devices, with over 20 years as engineers in this field.

3. In recent years, the design of windshield wiper devices has been influenced by a concern over injury to a pedestrian in the case of impact with a vehicle and with the windshield wiper device. Based on studies, tests and simulations, it is generally understood in the field that an impact between a pedestrian and a windshield wiper device will generally cause a force of between 1000 N and 4000 N to be encountered on the fastening part of the windshield wiper device.

4. The Application is generally directed to a windshield wiper device constructed to reduce protect the pedestrian in the case of an impact with the vehicle. Accordingly, the windshield wiper device with a bearing which is detachably connected to the support such that

the bearing separates from the support in the event of an increased force on the wiper shaft due to impact with a pedestrian (e.g., encountering a force in or below the above range).

5. I understand that, in an Office action dated June 8, 2010, the Examiner rejected the pending claims and contends that the limitation "such that the bearing separates from the support in the event of an increased force on the wiper shaft due to impact with a pedestrian" appears to be purely functional and does not define any particular structure for the device which differentiates from the prior art. See Pages 3-4.

6. Based upon my experience in the field, it is my opinion that an engineer or designer of windshield wiper devices understands the type of connection defined by the language in the claims and understands the forces that would or would not allow separation upon impact with a pedestrian.

7. More specifically, as set forth in independent claim 1 of the Application, the windshield wiper device includes at least one retaining clip that detachably connects the bearing to the support such that the bearing separates from the support in the event of an increased force on the wiper shaft due to impact with a pedestrian. As is understood in the field, the limitation in this context means that the bearing is connected to the support (by the at least one retaining clip) in such a manner that the bearing will separate from the support when certain forces are applied, such as upon impact with a pedestrian, to protect the pedestrian (e.g. to reduce the risk of injury). Therefore, the requirement that the bearing be "detachably connected" to the support (again, by the at least one retaining clip) defines structure understood in the field. In addition, when examining a windshield wiper device, an engineer or designer of windshield wiper devices would be able to tell if that device includes the claimed "detachably connected" bearing and support.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 18.11.2010

Achim Kraus